UNITED NATIONS

CCPR

International covenant on civil and political rights

Distr.
GENERAL

CCPR/C/SR.1768
1 November 1999

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Sixty-sixth session

SUMMARY RECORD OF THE 1768th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 21 July 1999, at 10.a.m.

Chairperson: Ms. MEDINA QUIROGA

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Fourth periodic report of Romania (CCPR/C/95/Add.7; HRI/Corr.1/Add.13/Rev.1; CCPR/C/66/Q/ROM/1/Rev.1) (continued)

1. At the invitation of the Chairperson, the members of the Romanian delegation took places at the Committee table.

2. The CHAIRPERSON invited the Romanian delegation to reply to the questions which had been left pending at the previous meeting.

3. Mr. MOLDOVAN (Romania) provided clarifications concerning the restitution of property to the Greek Catholic Church. The Greek Catholic religion had been prohibited in Romania between 1948 and 1989. During that period, most practising Greek Catholics, under threat of imprisonment, had converted to the Orthodox religion, thus explaining the conversion of Greek Catholic churches into Orthodox churches. Once Greek Catholics had again been able lawfully to practise their religion, they had sought the restitution of their places of worship from the State. However, since it was not the State that had confiscated those places, it had merely been able to refer them to the authorities of the Orthodox Church, who in turn had declared themselves no longer competent to settle the question, believing that negotiations should be held with the local communities. The problem was thus far from simple. However, a recently adopted law provided that, in communities having two or more churches, any disused church that had originally belonged to the Greek Catholic Church should be returned to it. Although that solution had had a calming effect, it was nevertheless inadequate, and, consequently, the State was now helping the Greek Catholic Church to construct new buildings.

4. The State had undertaken to restitute in full any land, churches, houses and general property which had been confiscated or nationalized under the communist regime. As for places of worship, it was the Orthodox Church, being the main religious confession in Romania, which had lost the most under that regime.

5. As a religious group, the Jehovah's Witnesses did not have a very good public image, in particular because its members refused certain forms of medical treatment, such as blood transfusion. Nonetheless, they enjoyed full legal status in Romania and were free to disseminate their publications. Moreover, the ombudsman maintained regular and good relations with their representative.

6. As for alternative military service, he was not in a position to judge whether article 12 of Law No. 46/1996, which instituted military service of 12 months and alternative national service of 24 months, created a simple difference in treatment or, rather discrimination. He could, however, indicate the reasons behind that choice: first, the effort made was not the same for conscripts who performed military service as for those who performed another form of national service, and secondly, as the country needed soldiers, it would be unreasonable to encourage large numbers of the

population to avoid military service. It should be added that the concept of alternative national service was new to Romania and that the modalities could come under future review on the basis of public reactions and army requirements. In the future, Romania might also move in the direction of a professional army, therefore attaching less importance to compulsory military service.

7. Lastly, he said that, pursuant to Act No. 84/1995, religious education was compulsory at the primary level and optional at the secondary and higher levels. With the consent of his or her parents or legal guardian, a pupil chose the religion which he or she wished to study. The main problem was the lack of trained teachers who could provide that education. In Bucharest alone, for example, there was a shortage of no less than 800 teachers, a situation which was bound to have an adverse effect on the quality of teaching, even though it was gradually improving.

8. Mr. ATTILA (Romania) said that the right to learn and to be instructed in one's mother tongue was a constitutional principle. That principle was reaffirmed in the new education law, under which everyone had the right to be taught in and study his or her mother tongue in primary, secondary, vocational and higher education. Special classes had therefore been established where pupils so requested.

9. Although there was nothing in the new education law to prohibit the establishment of a State university dispensing instruction in Hungarian, he said that it would be difficult in practice to set up such an institution. The Hungarian community had initially accepted the interim solution of establishing a multicultural university. The Government had then taken the decision, in 1998, to establish a bilingual university where instruction was conducted in Hungarian and in German. Three opposition parties which were against that project had instituted legal proceedings. The Government had won one of the three cases brought and the two others were currently under appeal.

10. Teaching in the Roma language posed considerable problems as it had been a purely spoken language only a few years earlier. Nevertheless, a common alphabet, vocabulary and grammar had been formulated for the various dialects of the Roma language and, through the joint efforts of the Ministry of Education, the Department for the Protection of National Minorities, various NGOs, Roma organizations and international bodies, classes offering tuition in the Roma language and classes for the study of the Roma language had been established in some primary schools. However, the process was far from complete. In particular, there was still a need to recruit Roma-speaking teachers for all the academic subjects.

11. With regard to the property that had belonged to some minorities, he said that a general bill of law on restitution was currently being debated in the Parliament. Pending its adoption, which was expected in autumn 1999, it had already been decided that more than 60 buildings belonging to community or minority churches should be returned. More than 10 of them had already been returned to their former owners. Individuals, being unable to apply to the Department for the Protection of National Minorities, which dealt only with property belonging to religious or other organizations, could always bring a legal action. The Department for the Protection of National Minorities had

already, on several occasions, instituted proceedings in respect of racial discrimination and incitement to racial hatred. Several cases involving racist slogans, racist articles in the press and discrimination in employment were currently being investigated and a case involving incitement to racial hatred was being heard by the courts.

12. Finally, in reply to a question by Mr. Klein, he said that the law contained a provision under which organizations of minority groups could obtain a subsidy, chargeable to the State budget, to finance part of their activities. The law did not stipulate how the rest of their activities should be financed. However, many organizations received other public funds in addition to those charged to the State budget.

13. Mr. DIACONESCU (Romania), addressing the question of the files of the former security services, said that the Parliament had recently adopted a bill of law which would probably enter in force in autumn 1999 and under which any citizen would be entitled to free access not only to the files concerning him or herself but also to those of any person standing as a candidate for a decision-making post in an administrative or political body.

14. The CHAIRPERSON thanked the Romanian delegation for the abundant and detailed information provided, which reflected the progress made in regard to the promotion and protection of human rights. In that regard, note should be taken of the review of the legislation in order to bring it into conformity with the Covenant and the creation of the Department for the Protection of National Minorities. Progress had also been made in the administration of justice, as shown by the application of the principle of the irremovability of judges.

15. The Committee was aware of the immensity of the task facing the Romanian authorities, which involved the modification of behaviour that had been standard practice for decades. However, several matters were still giving rise to concern. The most serious was possibly the situation of children in Romania, especially street children and abandoned children. The State party should do everything possible to provide them with the protection to which they were entitled and, in particular, should ensure the appropriate registration of their identity. Moreover, discrimination against several population groups - the Roma minority and women, for example - had not totally disappeared and the State party should intensify its efforts in that field.

16. The Committee had noted that article 49 of the Romanian Constitution might restrict the exercise of some rights or freedoms on grounds that went far beyond those provided for in the Covenant. In addition, the proclamation of the state of emergency did not seem to be subject to precise restrictions and the decrees promulgated thereunder might entail violations of human rights. Hence, it was important that the Romanian authorities should adopt, as soon as possible, the organic law that was being considered in that connection.

17. The links between the executive and the judicial authorities were also a matter of concern. It had been stated that the Minister of Justice was responsible for ensuring the unequivocal interpretation and application of the law throughout the national territory, which was evidently contrary to the

Covenant. Moreover, the tenor of paragraph 139 of the report caused concern as it bore witness to the authority that the Ministry of Justice exercised over the magistracy. Other aspects of the administration of justice also required clarification, particularly those concerning trainee judges, the powers of the Prosecution Service and the jurisdiction of the military courts. Reference should also be made to other matters of concern, such as the shortcomings in the regulations concerning the use of firearms, the question of domestic violence and its prevention and the provisions of article 31, paragraph 4, of the Constitution concerning the right to information. Finally, it should be borne in mind that it was not only the Government but the State party, in other words all its organs, including the Parliament, which was responsible for the fulfilment of the commitments that it had made when ratifying the Covenant.

18. She hoped that, before the consideration of the next periodic report of Romania, the authorities of that country would continue their efforts to improve the administration of justice and the protection of human rights in general and she wished them every success in that regard.

19. Mr. DIACONESCU (Romania) welcomed the dialogue that had taken place with the Committee, the observations and suggestions of which constituted valuable guidelines for the Romanian authorities, particularly in regard to the establishment of clear and precise standards governing the various fields of civil and political life. Although the process of promoting and protecting human rights in Romania had certainly not been completed, it was well under way and the authorities were resolutely determined to settle, as soon as possible, several delicate questions, some of which had not been addressed during the consideration of the report. In that connection, he referred to the question of the shortage of financial resources, the security problems that were currently affecting the whole of the region and the question of the protection of Romanians living abroad, concerning which the Romanian authorities might well need the Committee's advice in the future.

20. The CHAIRPERSON announced that the Committee had thereby completed its consideration of the fourth periodic report of Romania.

21. The Romanian delegation withdrew.

The meeting was suspended at 10.55 a.m. and resumed at 11.20 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Report of the Chairperson on the Eleventh meeting of chairpersons of human rights treaty bodies (31 May-4 June 1999)

22. The CHAIRPERSON, presenting the draft report of the Eleventh meeting of chairpersons of human rights treaty bodies (document without a symbol, in English only), which had been distributed to the members of the Committee, said that the meeting had been rather particular insofar as the special rapporteurs of the various bodies had participated and the chairpersons of the treaty bodies had also had a long exchange of views with the representatives of the States parties. The latter had expressed the hope that the six treaty monitoring bodies would coordinate their work more closely and endeavour to

find solutions to facilitate the task of presenting periodic reports. For their part, the chairpersons had explained the common difficulties faced by all the treaty bodies due, in particular, to the inadequacy of the resources allocated to the various secretariats. Some chairpersons had requested the representatives of States parties to ensure a balance in regional and gender representation during the election of members of treaty bodies.

23. Mr. Ramcharan, the Deputy High Commissioner for Human Rights, had referred to various aspects, which were reflected in paragraphs 16 and 17 of the draft report. It was particularly noteworthy that the High Commissioner hoped to launch a campaign to raise funds for all the treaty bodies from States parties, businesses and other institutions likely to collaborate and she hoped to secure funds for the plan of action for the three committees concerned, namely the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee. The Chairperson had inquired why that initiative had been confined solely to the three above-mentioned committees while the initial idea had been to conduct a more comprehensive campaign in favour of all the treaty bodies. However, her question had remained unanswered.

24. The High Commissioner was said to be currently considering ways to constitute, within her secretariat, a team which would be responsible for all the procedures concerning the communications brought before the relevant treaty bodies. Mr. Ramcharan had also proposed the publication of a handbook for States parties which would contain the core elements of the jurisprudence of the various treaty bodies as well as a number of other documents of interest to all the States parties (decisions concerning communications, general comments or recommendations, concluding observations following consideration of the report of a States party, etc.).

25. Ms. Anderson, the Chairperson of the fifty-fifth session of the Commission on Human Rights, had said that the Commission had organized "special dialogues" on some issues and suggested that, with a view to ensuring closer cooperation between the various committees, the Commission should in future consult the other treaty bodies in order to determine the topics of those dialogues. Some chairpersons had requested that the representatives of their bodies be granted formal status to enable them to attend the sessions of the Commission on Human Rights. The Chairperson of the Human Rights Committee had expressed the opinion that the treaty bodies did not need to be represented by their presiding officer and, if necessary, the latter should be able to delegate another member of the body. The same question had been raised in relation to participation in sessions of bodies such as the Economic and Social Council and the General Assembly of the United Nations, in which some chairpersons had indicated a wish to participate in their official capacity.

26. Following the meeting with the representatives of State parties, the chairpersons of the treaty bodies had recommended the establishment of a working group, consisting of members of each of the treaty bodies, to explore the possibility of drafting common guidelines for the presentation of reports by States parties. It had also been proposed that the committees should extend reciprocal invitations to attend each other's sessions, particularly

when matters scheduled for consideration under an agenda item, such as general comments, were of mutual interest. Ms. Bonoan-Dandan, Chairperson of the Committee on Economic, Social and Cultural Rights, had also suggested that it would be helpful to have a handbook, which could be prepared by members of universities, on the interpretation of the various instruments.

27. Another issue discussed at length had been the content of a letter sent by Mr. Ramcharan to the Eleventh meeting of the chairpersons of treaty bodies, of which a copy had been distributed to the members of the Committee. According to that letter, the High Commissioner was considering the possibility that the United Nations in general and the treaty bodies in particular might directly involve business and corporate entities in the protection of human rights. Since that question had not previously been discussed in the Human Rights Committee, she said that, in her opinion, it would be totally inappropriate for the treaty bodies to deal directly with corporate entities and, in accordance with their mandate, they should continue to address the States parties in order to call upon them to ensure full respect for human rights by all, including the said entities. She requested the members of the Committee to express their views on that matter.

28. The Eleventh meeting had also considered a letter from some NGOs drawing the attention of the treaty bodies to the problems encountered by defenders of human rights in the fulfilment of their mission. A copy of that letter had also been distributed to the members of the Committee.

29. Cooperation between the treaty bodies and the special rapporteurs in connection with the consideration of reports of States parties had also been discussed. It had been agreed that it might be useful to have access to the report prepared by a special rapporteur before considering the report of a State party in order to have a better idea of the human rights situation in that State. Some special rapporteurs had expressed a wish to have periodic informal contacts with the treaty bodies during which they could pass on information that would be useful during the consideration of the reports of States parties.

30. Finally, the Eleventh meeting had been preceded by a workshop, attended by the chairpersons of the treaty bodies and the special rapporteurs, on the question of gender integration in the human rights protection system.

31. Mr. LALLAH fully shared Ms. Medina Quiroga's reservations concerning the suggestion by the Office of the High Commissioner that direct contacts should be established with businesses or enterprises. He also recalled that, in his introductory statement at the opening of the session, the Deputy High Commissioner for Human Rights had indicated, in a diplomatic manner, that the question of human rights was of great importance to the Organization but, unfortunately, the latter lacked the financial resources needed to address it. States parties often adopted a very similar approach: they declared themselves quite willing to improve the human rights situation but attributed difficulties in that regard to their lack of resources. To discourage States parties from putting forward that argument, instead of making a direct approach to businesses and enterprises with a view to finding solutions to that problem the United Nations would be better advised to establish links with financial institutions such as the World Bank, the Asian

Development Bank, the African Development Bank or other institutions protecting the interests of the private sector and of the businesses with which it had been suggested that the Committee should establish contacts. They were even more important at the present time when privatization was the key word and entailed a transfer of power from Governments to private institutions which were not answerable to the people for their acts. It might be possible to find ways for those institutions, which were usually indifferent to the question of respect for human rights, to take that aspect into account in their relations with Governments and to bear in mind the obligations undertaken by the States parties with which they were dealing.

32. The CHAIRPERSON said that her remarks had possibly been misunderstood. A distinction should be made between the question of a campaign to obtain supplementary resources from private businesses and organizations and the question of the treaty bodies making the said businesses responsible for the protection of human rights. It was on the latter question that she had explicitly requested the opinion of the members of the Committee.

33. Ms. CHANET wished to know, first of all, the context in which the workshop on gender integration in the human rights protection system had been held prior to the meeting of chairpersons of treaty bodies and the results that it had produced. With regard to the meeting itself, she was increasingly concerned at the course that it had taken. Although originally organized to enable the treaty bodies to engage in an exchange of views aimed at improving the effectiveness of their activities, it had been gradually transformed into a gigantic forum the agenda of which had been drawn up by the High Commissioner for Human Rights without the least consultation with the bodies concerned, in which representatives of a vast range of intergovernmental bodies and organizations and NGOs had participated and in which the concerns of the treaty bodies had often been sidelined. Then, there were the questions raised by Mrs. Bayefski's study, the aims of which remained vague, and the draft document on briefings for new members of treaty bodies, which gave the impression that the latter had no notion of law, although its purpose was simply to inform them of the support that the secretariat could provide for the various bodies. However, there were some positive aspects. The aims of the Plan of Action referred to in paragraph 66 seemed clearer in the revised version of that document than in the initial draft that had been presented at New York, although further efforts were needed to ensure that no ambiguity remained. She welcomed the recommendation that the treaty bodies should report directly to the General Assembly as was done, for example, by the International Law Commission.

34. Ms. GAITAN DE POMBO thought that the meeting of chairpersons of treaty bodies had been really useful not only due to the fruitful contacts that the chairpersons had been able to make but also by virtue of the presence of other bodies, NGOs and representatives of Member States, in spite of the risk of sidelining that had been pointed out by Ms. Chanet. She also thought that it was important to establish an ongoing dialogue with the special rapporteurs. In fact, as she had realized in her own country, Colombia, which had received almost all the special rapporteurs, lack of coordination frequently led to a loss of time and money and was even detrimental to the effectiveness of the

mission. The recommendations of the various treaty bodies and those of the special rapporteurs often overlapped or were frankly contradictory. From that standpoint, a permanent coordinating mechanism could prove extremely useful.

35. Mr. Lallah's proposal to the effect that contacts should be established with international financial institutions deserved support. On the other hand, as the Chairperson had pointed out, it was the States that were subject to international law and were therefore responsible for violations that might be committed by the private businesses operating in their territory.

36. Further details concerning Mrs. Bayefski's study would be welcome. In particular, it would be interesting to know what reactions it had produced at the meeting and the proposals to which it had given rise. Finally, in view of the significant work that it had accomplished and its role as a "quasi-judicial" body, the Committee met all the necessary conditions for its annual report to be addressed directly to the General Assembly of the United Nations and the proposal made to that effect in the report on the meeting should be supported.

37. Ms. EVATT fully agreed with Ms. Chanet that the treaty bodies no longer had any control over the meeting of their chairpersons. That was partly due to the fact that they had not considered ways to derive optimum benefit from those meetings and that they did not always make the necessary follow-up efforts, often not taking the trouble to express their position on the meeting's various agenda items.

38. Paragraph 17 of the report referred to the establishment of a core team to service the communications procedures of the treaty bodies. In that regard, the Committee should examine the impact that such a measure would have on its work. The recommendation contained in paragraph 51 of the report, to the effect that the treaty bodies should be represented when their annual reports were considered by the General Assembly, was a step in the right direction and should therefore be supported. With regard to the recommendation contained in paragraph 55 of the report on the meeting, the Committee not only could but should pay close attention to the situation of persons infected with HIV/AIDS during the examination of the reports of States parties. Since most cases involved a problem of information, the Committee's Working Group had requested WHO to draw the Committee's attention to cases which, in its opinion, should be discussed with the delegations of the countries concerned. Hopefully, the present shortcomings could be remedied in that way.

39. In her opinion, the recommendation contained in paragraph 61 should be warmly welcomed, particularly as the Committee was already cooperating with the special procedures which were making a commendable contribution to the formulation of written questions for States parties. Furthermore, the measures recommended in paragraph 65 should make it easier for States parties to bear the burden of preparing reports on the application of six instruments, the provisions of which often overlapped. In that connection, it would be helpful if one or two sessions of the next meeting held by the chairpersons of treaty bodies were devoted to an examination of the common topics of various instruments in order to determine the nature of the changes that could be made. The indicators referred to in paragraph 68 of the report should also

form the subject of consultations as the members of the various treaty bodies might be able to make a contribution in that field. Finally, with regard to the question of the responsibility of private businesses, States could be encouraged to set standards to deal with violations committed by multinational corporations. Since those corporations were operating in several countries, the Committee could propose joint action by the States concerned.

40. Mr. KLEIN said that the proposal to the effect that a representative of the treaty bodies should be granted formal status in the Commission on Human Rights should be viewed with caution. In fact, those bodies, which consisted of independent and impartial experts, were totally different from the Commission which, for its part, played a political role. In that respect, it was surprising that the chairpersons of the treaty bodies had agreed to such a proposal which had not even been discussed. Accordingly, the Committee should give further thought to that question.

41. Mr. SCHEININ fully shared Mr. Klein's opinion and thought that the Committee would not be able to discharge its functions in an appropriate manner unless it remained independent of political bodies. Moreover, he saw no advantage in separate meetings between chairpersons of treaty bodies and representatives of States parties. In addition, the suggestion in paragraph 50, to the effect that those chairpersons might be in favour of the idea that the comments of States parties on the concluding observations of treaty bodies should be incorporated in their annual reports, was disturbing, to say the least, as that might allow scope for all sorts of horse-trading. The concluding observations marked the end of the process of considering the reports of States parties and the best follow-up action by States would be to begin preparations for the presentation of their next report. In paragraph 38 of the report on the meeting, attention was drawn to the concern expressed by States parties that the reporting obligation constituted a major obstacle to the ratification of international instruments. Endorsement of that argument would be tantamount to acceptance of the idea that ratification should not entail any commitment, which was absurd. The submission of reports constituted an obligation that formed an integral part of the process of applying the ratified instrument.

42. With regard to the question of the responsibility of private businesses in respect of violations of human rights, it should be pointed out that the Committee had often had occasion to examine the baneful consequences of the activities of multinational corporations on the rights of persons, but it had done so from the standpoint of the responsibility of the States exercising jurisdiction over those corporations. Most of the cases that had been examined in that context involved violations of the rights of indigenous peoples and minorities as a result of concessions granted by public authorities to private companies. In its reply to Mr. Ramcharan's letter, the Committee should review the various cases in which it had raised the question of a State party's responsibility for the activities of a private company. In the decisions that it took on such matters during its consideration of communications, the Committee should also clearly indicate the name and the role of the company involved and the reason why the Committee held the State party responsible for the violations that the company had committed. At all

events, the Committee was not obliged to hear the viewpoint of private companies; it could simply request the States concerned to give an account thereof in their reply to the communications.

43. Without going into the details of the Plan of Action referred to in paragraph 66, he noted another misunderstanding. In his opinion, it should be clearly specified that the Committee provided States with guidelines but could not offer them any form of technical assistance in the preparation of their reports. In fact, the Committee could not act as judge in a case in which it had been involved.

44. Mr. AMOR said that, in his view, it was extraordinary that, until 1993, the chairpersons of treaty bodies, the special rapporteurs and, in general, all the persons concerned with the defence of human rights had maintained no contact with each other and had not engaged in any reciprocal exchanges of information to enable each of them to discharge, as efficiently as possible, the functions entrusted to him. In that regard, the meeting of chairpersons of treaty bodies was both useful and necessary in the quest for joint solutions to problems which, although sometimes appearing to be simply of a material nature, in actual fact were of fundamental importance for the smooth functioning of the bodies and mechanisms concerned. In general, respect for human rights was posing an increasing number of problems at a time when the material, human and financial resources needed for their solution was constantly decreasing. Hence, all those difficulties required a joint approach so that the members of treaty bodies and the special rapporteurs could engage in their activities in acceptable conditions.

45. In his opinion, it was likewise abnormal to gradually adopt a logic of standardization, bureaucratization and control from above, which hardly seemed to serve the cause of human rights. In the exercise of their functions, the members of treaty bodies and all the special rapporteurs should be totally independent not only of States but also of the bodies that appointed them. In that regard, although international instruments such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, under the terms of which various bodies had been established, contained common provisions, a different approach might promote enriching diversity and it would be appropriate for everyone to show a spirit of creativity and imagination in order to contribute thereby to progress in the field of human rights. In that connection, although coordination was necessary, standardization - with the consequent freezing of resources - which seemed to be the present trend, might be highly detrimental to the free will of everyone in the exercise of the functions entrusted to him. Finally, on the specific question of the possibility of a representative of the Committee attending the Commission on Human Rights, he shared Mr. Klein's opinion: the Committee should have access to information but should not involve itself in questions which did not necessarily fall within its terms of reference and which, in some cases, might even be solely political.

46. Lord COLVILLE thought that, as the meetings with States parties were apparently to continue, the Committee should derive optimum benefit therefrom. In that respect, he suggested that the agenda of those meetings should include an item concerning follow-up on the observations that the Committee adopted

under the Optional Protocol. For example, the Committee could request the States parties concerned to give a precise account of the measures that they had taken in the light of those observations and States parties that were not fully respecting their commitments in that field might follow the example set by other States parties which were more scrupulous in that regard. He hoped that his suggestion would be approved by the Committee.

47. Mr. ZAKHIA fully shared the opinions expressed by Mr. Lallah, who had referred to the most important aspects for the future work of the Committee and the human rights situation throughout the world. In fact, as a result of the phenomenon of globalization, States were losing their powers to an increasing extent while financial institutions, which were constantly becoming more powerful, were forcing States to restrict their expenditure, particularly in the economic and social fields. In that way, some countries were finding themselves in an extremely critical situation and were showing an increasing tendency to become militarized and fundamentalist police States. In those conditions, if it continued to address recommendations concerning human rights to States parties that were not in a position to apply them, the Committee would become purely academic. The gravity of that already serious problem would only increase. In that connection, following the example of the World Bank which had demanded that environmental impact studies be conducted before it granted aid to certain countries, bodies protecting human rights, and in particular the Committee, might likewise consider ways to encourage financial institutions to support their activities. In his opinion, such a measure was indispensable in view of the risk that a minority of rich countries might have the resources needed to ensure respect for human rights while the vast majority of poor countries, which had the greatest need for aid, might be unable to take practical steps to apply human rights.

48. Mr. POCAR said that one of the difficulties that impeded the work of the chairpersons of treaty bodies at their Eleventh meeting might have been attributable to the fact that the meeting's agenda had been prepared by the secretariat and not by the chairpersons themselves, a situation that should be avoided in the future. He shared the concerns expressed by Mr. Amor concerning the risks of excessive institutionalization and the importance of coordinating the activities of the various bodies while, at the same time, maintaining the independence of each of them. He saw no point in holding meetings with States parties within the framework of the meetings of the chairpersons of treaty bodies and hoped that that practice would be rapidly abandoned.

49. With regard to the draft report itself, he referred to paragraph 49, which stated that the chairpersons had urged States parties to support their work, particularly by allocating sufficient resources in the Fifth Committee, and said that such a decision totally exceeded the mandate of the treaty bodies. In fact, as far as the Committee was concerned, article 36 of the Covenant stipulated that the Secretary-General would provide it with the requisite staff and facilities and the Secretary-General himself was responsible for contacting the Fifth Committee, if necessary, on any financial questions. He likewise did not regard it as appropriate to indicate, as noted in paragraph 50, that States parties could comment on the concluding observations adopted following the consideration of their periodic reports. In that regard, States parties had an obligation to act, rather than comment,

on those observations. The report also seemed to emphasize the manner in which the treaty bodies could contribute to the work of the United Nations system, rather than the reverse, which was regrettable. For example, chapter IV was devoted to cooperation by the treaty bodies with United Nations departments, specialized agencies, funds, programmes and mechanisms while nothing was said about the support that the United Nations system itself could provide for the treaty bodies. Moreover, with reference to the last sentence in paragraph 26, he did not see how the person with principal responsibility for meetings of the Committee could officially select the parts of the Committee's concluding observations that would be "more interesting to the press", which seemed totally contrary to the principles that the Committee was following. Finally, concerning paragraph 45 of the draft report, he wondered what was meant by "supervisory organ" since, while the Committee had an effective obligation to submit a report to the General Assembly, the latter in no way acted as the Committee's supervisory organ.

50. Mr. LALLAH, referring to paragraph 51 of the draft report concerning the presence of chairpersons or representatives of treaty bodies at meetings of the General Assembly in which the annual reports of those bodies were considered, said that proposals to that effect, which had been considered during the first two or three years following the establishment of the Committee, had been rejected precisely because the Committee did not wish to give the impression that it was answerable to the General Assembly for its own work, which it was conducting in an independent manner. At all events, the decision taken at that time could always be reconsidered. However, in his opinion, it was difficult to imagine that the chairperson or a representative of the Committee would be held answerable to the General Assembly in respect of criticisms that might have been expressed regarding, for example, any of its general observations concerning a particular article of the Covenant.

51. Mr. ANDO shared the opinions expressed by Mr. Pocar and Mr. Lallah. With regard to the financial resources available to the Committee, he recalled that, several years previously, the Committee had sought funding, through him, from a private Japanese company in order to publish the summary records of the Committee's sessions which, for more than 10 years, had no longer been issued in the form of official documents. However, since it was normally the duty of the United Nations to ensure the publication of the documents of all the treaty bodies, that important question should be re-examined.

52. The CHAIRPERSON pointed out that the entire first part of the draft report consisted of a summary record of the discussions that had been held during the meeting of chairpersons and the expressions used therein did not necessarily imply that all the participants had reached a consensus. At all events, the draft report had elicited numerous comments and the Committee would continue its consideration thereof at a forthcoming meeting. Finally, in reply to Ms. Chanet's question, she said that the workshop on gender integration in the human rights protection system which she had attended had provided an opportunity for a useful exchange of information and suggestions between the special rapporteurs and the chairpersons of treaty bodies on that question but it had been of a relatively informal nature and had not led to any decision or particular commitment on the part of the participants.

The meeting rose at 1 p.m.